

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

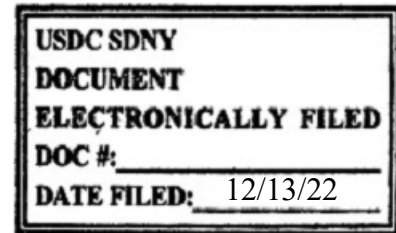
NIVEDITA T. KULKARNI,

Plaintiff,

-against-

ACTAVIS GENERICS, et al.,

Defendants.



22-CV-05735 (PAE) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

Plaintiff, who is proceeding *pro se* in this action and in a related action (No. 22-CV-5740), alleges that she took a course of prednisone in 2019, after which she experienced episodes of shaking and muscle spasms that were ultimately diagnosed as a neurological disorder known as Functional Myoclonus, which still affects her, and which she believes was caused by the medication she took in 2019. In this action, plaintiff named five generic pharmaceutical manufacturers (three Actavis entities and two Teva entities) on a failure-to-warn theory. In No. 22-CV-5740, she named three different manufacturers on the same theory, stating in a letter that her second-filed suit is against "the brand name label." Pl. Ltr. dated Sept. 5, 2022 (Dkt. 8) at 2. Plaintiff explains that she took "the generic version" of the medication, manufactured by Actavis Generics – the first-named defendant in this action. *Id.*

Summonses were issued in this action on August 29, 2022. (Dkt. 6.) Thereafter, at plaintiff's request, I extended her service deadline – originally November 27, 2022 – by 30 days, to December 27, 2022, and cautioned, "No further extensions of this deadline will be granted." (Dkt. 9.) Thus far, there is no indication on the docket that any defendant has been served. Instead, on December 12, 2022, plaintiff sought leave to file an Amended Complaint naming three additional defendants (Watson Laboratories, Allergan plc, and Hikma Pharmaceuticals). (Dkt. 14.) However, her proposed form of Amended Complaint (Dkt. 14-1) contains no factual allegations, identifies no legal claims, and seeks no relief. An amended complaint *replaces* any prior pleadings

and consequently must stand on its own, identifying each claim against each defendant and providing all facts necessary to support each claim. *See* Fed. R. Civ. P. 8(a)(2)-(3) (a pleading that states a claim for relief must include "a short and plain statement of the claim showing that the pleader is entitled to relief" and "a demand for the relief sought").

Because the proposed Amended Complaint is plainly deficient, plaintiff's motion is DENIED. However, she may renew her motion, attaching a proposed amended pleading that satisfies Rule 8(a), once she has served the initial defendants, as required, and filed proof of such service on the docket.

Dated: New York, New York
December 13, 2022

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge